

**RICHARD D. KOENIG, DPM, FACFAS**

IFU



28 December 2005

United States Patent and Trademark Office  
United States Department of Commerce  
Commissioner for Patents  
P.O. Box 1450 Alexandria, VA 22313-1450  
Attention: Mr. Ted Kavanaugh

Re: Application No. 10/733,886 ; Abandonment

Dear Mr. Kavanaugh:

I respectfully request that you withdraw the holding of Abandonment for my application 10/733,886. There are mitigating circumstances to some delays in action and this is a clear example of one of them. While excuses are plentiful and everyone has one, there is rarely an excuse that satisfies all needs. That said, I began the application process in our former home and during the process, relocated to our current home. Thinking I covered all bases, I clearly forgot about this application. The mail was transferred to our new residence, rather slowly and by the time I realized it, this application and proper response was in arrears. I did the best I could to make up time, but it was late.

You know how much time and effort goes into these applications and what they can mean to the hopeful inventor. It is my hope that some contrition will go a long way to ameliorate matters. Please allow my application to be re-instated.

My sincere thanks,

A handwritten signature in black ink, appearing to read "Richard D. Koenig".

Richard D. Koenig, DPM, FACFAS

**4104 NORTH 50<sup>TH</sup> AVENUE  
HOLLYWOOD, FL 33021**



# Notice of Abandonment

Application No.

10/733,886

Examiner

Ted Kavanaugh

Applicant(s)

KOENIG, RICHARD D.

Art Unit


3728

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address—

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 12 January 2005.
  - (a) ☒ A reply was received on 7-19-2005 (Fax) (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of 3 month(s)) which expired on 12 July 2005.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below.

The fax was received on July 19<sup>th</sup> 2005 which is outside of the 6 month statutory period. Moreover, if it was timely faxed in on the 12<sup>th</sup> of July it would need a 3 month extension of time, plus it needed to be signed by applicant and the amendment needed to be compliant with 37 CFR 1.121

  
Ted Kavanaugh  
Primary Examiner  
Art Unit: 3728

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

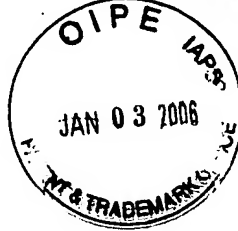


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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,886	12/12/2003	Richard D. Koenig		1541

7590 12/19/2005  
Richard D. Koenig  
4104 50th Ave.  
Hollywood, FL 33021



EXAMINER

KAVANAUGH, JOHN T

ART UNIT PAPER NUMBER

3728

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.